

REMARKS

Applicant is in receipt of the Office Action mailed July 12, 2006. Claims 1-81 have been cancelled. New claims 82-106 have been added. Therefore, claims 82-106 remain pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Section 102 Rejection

Claims 1-40 and 42-81 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nagaoka et al. (“Nagaoka”, US patent Publication 2002/0180579). Applicant notes that new claims 82-106 include similar limitations as many of the previously rejected claims 1-40 and 42-81; correspondingly, Applicant addresses the arguments presented in the instant Office Action with respect to the new claims.

Regarding claim 82, Nagaoka fails to disclose **a first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, wherein the second device is not configured with the instrument driver, wherein the traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet.** With regard to this limitation, the Office Action cites paragraphs [0082], [0090], [0091], [0093], and [0094] of Nagaoka without any particular explanation of the rejection. More specifically, Applicant notes that the Office Action does not indicate or explain which devices/systems in Nagaoka correspond to the first device, second device, and/or traditional instrument recited in the claims. Applicant respectfully requests clarification of the rejection on these points.

Applicant respectfully submits that neither these paragraphs nor any others of Nagaoka teach the limitation of claim 82 recited above. To summarize, in paragraphs [0082] and [0083], Nagaoka discloses a home network management system which “enables a user to perform remote control of home-located electronic devices”.

Paragraph [0090] teaches that the home network is installed in homes and includes a device group and a security system which are connected via a home bus. Paragraph [0091] specifies that the in home-located electronic device group is “a microwave, a rice cooker, a refrigerator, lighting fixtures, an air conditioner, a video recorder, a gas leakage detection device, a water heater and so forth”. Paragraph [0093] teaches that the communication standard for the home network may be any of various communication standards. Finally, paragraph [0094] states that “home server 61 communicates with home network management facility 5 via mobile packet communication network 2”. Additionally, “home server 61 transfers the received alarm to home network management facility 5 when an alarm is transmitted from security system 63”.

Applicant respectfully submits one skilled in the art understands that none of these paragraphs teach the limitation recited above. More specifically, these paragraphs do not relate to a system where a first device sends a request to a second device to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, and **wherein the second device is not configured with the instrument driver**. As recited above, Nagaoka relates to a system which controls home electronic devices and does not teach accessing a traditional instrument via an instrumentation bus as recited in the claim. Applicant submits that the household appliances taught by Nagaoka (microwave, rice cooker, refrigerator, etc.) does not teach or suggest the traditional instruments coupled to the second device via an instrumentation bus as required by claim 82. Thus, Applicant submits that Nagaoka nowhere discloses the home bus as an instrumentation bus which connects traditional instruments.

Additionally, Nagaoka fails to teach, suggest, *or even hint at* a first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument **wherein the second device is not configured with the instrument driver**. In fact, Applicant submits that in order to “perform remote control of home-located electronic devices”, the home management system must be capable of communicating with the electronic devices in the electronic device group. As the Examiner is certainly aware, anticipation requires the presence in a single prior art

reference disclosure of **each and every element** of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As argued above, Nagaoka fails to teach or suggest this feature of claim 1, and, in particular, fails to disclose *wherein the second device is not configured with the instrument driver*. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this feature of claim 1.

With further regard to claim 82, Nagaoka fails to disclose **the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument**. As argued above, Nagaoka fails to teach receiving the request to access the traditional instrument as recited in the claims and therefore cannot teach this feature of claim 1. However, Applicant notes that the Office Action cites paragraph [0041] and [0045] with regard to this feature. The pertinent portion recites:

the control unit receives from the management facility via the first communication unit, an identifying signal and a request signal showing that the driver software is downloaded from the management facility by the server, and transmits to the server corresponding to the identifying signal via a second communication unit, the driver software corresponding to the request signal.

Applicant respectfully submits that the cited paragraph is ambiguous as to the particular type of request received from the management facility as well as the specific means/process by which the driver is downloaded. However, Nagaoka later discloses (paragraph [0254]), “For example, when a user buys new home-located electronic device(s) provided in home network 6 installed in a user's house, the user is required to install new driver software corresponding to the new home-located electronic device(s) in home server 61 in home network 6” (Emphasis added). Nagaoka further teaches, “the user accesses home network management server 5 by utilizing terminal 1, and downloads

the driver software corresponding to home-located electronic device(s) to home server 61”. Thus, Applicant respectfully submits that Nagaoka teaches that the user must install new software for new home electronic devices. More specifically, the drivers are downloaded based on a request from the user to download a driver corresponding to the new device; one skilled in the art understands that the user manually installing a device driver is not the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument as required by claim 82. Furthermore, Nagaoka fails to teach the specific request (from a first device to a second device to access the traditional instrument) recited in the claims and therefore cannot teach the second device receiving the instrument driver in response to receiving the request. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this feature of claim 82.

With further regard to claim 82, Nagaoka fails to disclose **the traditional instrument sending instrument data to the second device via the instrumentation bus in response to the second device accessing the traditional instrument, the second device receiving the instrument data sent from the traditional instrument via the instrumentation bus, and the second device sending the instrument data to the first device via the network**. Regarding these features, the Office Action cites paragraphs [0091], [0093]-[0096], [0106], [0111], and [0179]. As summarized above, paragraphs [0091]-[0096] summarize how the home network operates in a house; in particular, these paragraphs outline that the security system may send an alarm from the home server 61 to the home network management facility. Applicant respectfully submits that one skilled in the art would not mistake a security system of a home sending an alarm signal to a server for a traditional instrument sending instrument data via an instrumentation bus as recited in the claims. As argued above, neither the security system nor the electronic devices of the home constitute the claimed traditional instruments. Additionally, Applicant respectfully submits that an alarm signal is not instrument data. Applicant notes that the cited paragraphs also describe that status information may be gathered regarding various electronic devices in the house. Similar to arguments above, Applicant submits that status information of electronic devices does not relate to instrument data of

traditional instruments. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach these features of claim 82.

Thus, for at least the reasons provided above, Applicant submits that Nagaoka fails to teach all the features and limitations of claim 82, and so Applicant submits that claim 82 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Regarding claim 93, Nagaoka fails to disclose a device which **detects a first traditional instrument coupled to the instrumentation bus, wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver**. As argued above, Nagaoka requires that the user to install and configure new devices for the home management system. Applicant notes that the Office Action rejects old claim 74 with respect to old claim 38; however, the Office Action does not address the specific limitation recited above. Furthermore, Applicant respectfully submits that Nagaoka fails to teach this limitation. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this limitation of claim 93.

With further regard to claim 93, Nagaoka fails to disclose that the device is operable to **receive, from the network, the first instrument driver which is associated with the first traditional instrument in response to the detection of the first traditional instrument, wherein the first instrument driver comprises program instructions which are executable by the processor to communicate and/or control the first traditional instrument**. Similar to arguments above, Nagaoka teaches that drivers must be downloaded for each new electronic component of the house during installation; correspondingly, Nagaoka cannot teach receiving the network driver in response to the detection of the first traditional instrument. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this limitation of claim 93.

Thus, for at least the reasons provided above, Applicant submits that Nagaoka fails to teach all the features and limitations of claim 93, and so Applicant submits that

claim 93 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Regarding claim 101, similar to arguments above, Nagaoka fails to disclose **a first device detecting the traditional instrument, wherein the first device is coupled to the traditional instrument, wherein the first device is not coupled to the traditional instrument via the Internet, wherein an instrument driver is required by the first device to communicate with the traditional instrument, wherein the first device is not configured with the instrument driver, and wherein the first device is coupled to the network.** The Office Action cites paragraph [0110] with regard to this feature. Applicant notes that this paragraph relates to status information of a video recorder; in particular, the status information includes “the status of presetting program recording, the amount of recording time which a video tape in the video recorder has, and a recording history”. Applicant respectfully submits that this paragraph is simply not pertinent to the claim limitation recited above. One skilled in the art would not mistake status information of a video recorder with *a first device detecting the traditional instrument, wherein an instrument driver is required by the first device to communicate with the traditional instrument, and wherein the first device is not configured with the instrument driver.* Clearly, to provide the status information to the home server, the video recorder is configured with a communication driver. Thus, for at least the reasons above, Nagaoka fails to teach this feature of claim 101.

With further regard to claim 101, Nagaoka fails to disclose **automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument.** With regard to this feature, the Office Action cites paragraph [0103] which simply states that the home network control program communicates with home network management facility 5. Similar to remarks above, this paragraph has nothing to do *whatsoever* with **automatically receiving, from the network, the instrument driver which is associated with the traditional instrument.** Thus, for at least the reasons above, Nagaoka fails to teach this feature of claim 101.

Thus, for at least the reasons provided above, Applicant submits that Nagaoka fails to teach all the features and limitations of claim 101, and so Applicant submits that claim 101 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claim 105 includes similar limitations as independent claims 82, 93, and 101, and so the above arguments apply with equal force to this claim. Thus, for at least the reasons provided above, Applicant submits that claim 105, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicant also submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-46100/JCH.

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198

ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: October 6, 2006 JCH/JLS